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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/783,470 | 02/20/2004 | Denis Deniau | 03161.001325 | 7467 |
| 5514 | 7590 | 05/04/2005 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | ALLEN, ANDRE J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2855 | |

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,470

Applicant(s)

DENIAU, DENIS

Examiner

Andre J. Allen

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-20-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: the recitation "the motors" has no antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-12 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bosl (US 2003/0150260, 6779391).

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Regarding claims 1 and 11 Bosl teaches a device for holding (col. 1 lines 46-49) a tire 1 and a means for measuring 3 11 the characteristics of the tire held, wherein the measuring means comprises sensors (col. 2 lines 30-35) positioned in a base upon which the machine rests on the ground (fig. 1).

Regarding claims 2 and 12 Bosl teaches a reaction roller 5 which presses against the tire 1, and a means 10 for bringing the tire in contact with the roller 5 (col. 4 lines 10-25) , wherein the sensors are in the roller 5, and wherein the sensors measure the characteristics of the tire in contact with the roller (col. 2 lines 30-35).

Regarding claim 3 Bosl teaches the roller is convex (fig. 1).

Regarding claim 4 Bosl teaches the sensors are sensors of forces (Y, Z) experienced by the roller at constant position (col. 30-35).

Regarding claims 5 and 16 Bosl teaches the tire holding device holds the tire vertically in the machine (fig. 1).

Regarding claim 6 Bosl teaches the sensors are piezoelectric Sensors (col. 2 line 31)

Regarding claims 8 and 15 Bosl teaches means for driving the tire in rotation comprise two flanges 2 positioned in contact with either side of the tire motors 6 which drives each of the said flanges in rotation, and a device 7 for turning the motors to one another.

Regarding claim 9 Bosl teaches sensors selected from the group (out of roundness, lateral deformation)(col. 2 lines10-14)

Regarding claim 10 Bosl teaches means for measuring the rotational position of the tire in the machine (col. 2 lines 15-18).

Regarding claim 14 Bosl teaches sensors 3 located in a bearing 9 of the roller 5 .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosl (US 2003/0150260, 6779391).

Regarding claims 7, 13 and 19 Bosl teaches means for rotating (col. 2 lines 42-45) an inflated tire and a sensor structure, but does not explicitly teach 150 revolutions per minute, and a 4 bar inflation. It would have been obvious to a person having ordinary skill in the art of tire rotation devices at the time the invention was made to implement whatever speed and inflation pressure necessary through trial and error for the purpose of effectively rotating a tire for the purpose of determining a tires inflation or wear characteristics.

Allowable Subject Matter

4. Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The present invention, regarding claim 17 is deemed to be directed to a distinct and non-obvious improvement over Bosl. The claims comprise the measuring device is calibrated, at rest, by applying calibrated forces to the machine and measuring the corresponding signals emitted by the sensors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen whose telephone number is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André Allen
Patent Examiner
Art Unit 2855



William Oen
Primary Examiner